

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature Second Regular Session - 2012

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 462

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO PUBLIC UTILITY REGULATION; AMENDING SECTION 61-114, IDAHO CODE, TO REVISE THE DEFINITION OF "PIPELINE" AND TO DEFINE "GATHERING LINES"; AMENDING SECTION 61-129, IDAHO CODE, TO PROVIDE THAT THE TERM "PUBLIC UTILITY" SHALL COVER CASES RELATING TO CERTAIN PIPELINES AND TO PROVIDE THAT SUCH PIPELINES SHALL BE SUBJECT TO THE SAFETY SUPERVISION AND REGULATION OF THE PUBLIC UTILITIES COMMISSION; AMENDING SECTION 61-1004, IDAHO CODE, TO PROVIDE AN EXCEPTION TO CERTAIN FEE PROVISIONS FOR PIPELINE CORPORATIONS AND TO PROVIDE THAT FEES FOR PIPELINE CORPORATIONS SHALL BE CALCULATED TO RECOVER THE COMMISSION'S TIME AND EXPENSE DEVOTED TO THE SAFETY SUPERVISION AND REGULATION OF EACH PIPELINE CORPORATION; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 61-114, Idaho Code, be, and the same is hereby amended to read as follows:

61-114. PIPELINE. (1) The term "pipeline" when used in this act includes all real estate, gathering lines, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate the transmission, storage, distribution or delivery of natural gas or manufactured gas, crude oil or other fluid substances except water through pipelines.

(2) "Gathering lines" means fixtures, valves, pipes and other property used to transport, deliver or distribute natural gas, manufactured gas or crude oil from a wellhead to a treatment facility or a point of interconnection with another gathering line, a transmission line or main line.

SECTION 2. That Section 61-129, Idaho Code, be, and the same is hereby amended to read as follows:

61-129. PUBLIC UTILITY. The term "public utility" when used in this act includes every common carrier, pipeline corporation, gas corporation, electrical corporation, telephone corporation and water corporation, as those terms are defined in this chapter and each thereof is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission and to the provisions of this act. ~~provided, that the term "public utility" as used in this act shall cover cases both:~~

(1) ~~where the service is performed and the commodity delivered directly to the public or some portion thereof, and where the service is performed or the commodity delivered to any corporation or corporations, or any person or persons, who in turn, either directly or indirectly or mediately or immediately, performs the services or delivers such commodity to or for the public or some portion thereof; and~~

1       (2) Where a pipeline corporation delivers the commodity to any corpo-  
 2 ration, person, their lessees, receivers or trustees regardless of whether  
 3 it offers the pipeline service or commodity to the public or some portion  
 4 thereof. Such pipeline shall be subject to the safety supervision and reg-  
 5 ulation of the commission.

6       SECTION 3. That Section 61-1004, Idaho Code, be, and the same is hereby  
 7 amended to read as follows:

8       61-1004. DUTIES OF COMMISSION -- FEES -- DETERMINATION -- MAXIMUM  
 9 AND MINIMUM FEES. On or before April 15th of each year the commission shall  
 10 determine the proportionate assessment that all railroad corporations,  
 11 and all other public utilities subject to the jurisdiction of the commis-  
 12 sion, shall bear to the amount which will be required to defray the expense  
 13 of the commission for supervision and regulation of such railroad corpo-  
 14 rations and other public utilities during the ensuing fiscal year; such  
 15 determination shall be based upon a consideration of the time and expense  
 16 devoted to the supervision and regulation of each such class of railroad  
 17 corporations and other public utilities during the preceding calendar year,  
 18 including salaries and wages of the commissioners and employees and all  
 19 other necessary and lawful expenditures of the commission. Thereupon the  
 20 commission shall apportion the assessment thus determined to be required of  
 21 all railroad corporations and all other public utilities, to each such class  
 22 thereof, respectively, in proportion to their respective gross operating  
 23 revenues derived from intrastate utility business in Idaho for the preceding  
 24 calendar year, except that the maximum fee payable shall not exceed:

25       (1) In the case of railroad corporations, one percent (1%) of the gross  
 26 operating revenues derived from the intrastate utility business of each  
 27 railroad corporation; and

28       (2) In the case of all other public utilities except pipeline corpora-  
 29 tions, three-tenths (3/10) of one percent (1%) of the gross operating rev-  
 30 enues derived from the intrastate utility business of each such public util-  
 31 ity.

32       (3) In the case of pipeline corporations, the fee payable shall be cal-  
 33 culated to recover the commission's time and expense devoted to the safety  
 34 supervision and regulation of each pipeline corporation.

35       (4) In no case shall the fee be less than fifty dollars (\$50.00).

36       (5) The commission shall make such assessment of the fees so determined  
 37 by orders duly made and entered on its minutes.

38       SECTION 4. An emergency existing therefor, which emergency is hereby  
 39 declared to exist, this act shall be in full force and effect on and after its  
 40 passage and approval.